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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 BRIANNA GARZA, et al.,  
9 Plaintiffs,

10 v.

11 AMERICAN FAMILY INSURANCE  
12 COMPANY,

Defendant.

C21-1234 TSZ

MINUTE ORDER

13 The following Minute Order is made by direction of the Court, the Honorable  
14 Thomas S. Zilly, United States District Judge:

15 (1) Plaintiffs' motion to remand, docket no. 14, is GRANTED. The removed  
16 crossclaim, docket no. 1-2, is a part of the underlying civil action, *Garzas v. Perry*,  
17 No. 19-2-03262-31, that Plaintiffs initiated in the Snohomish County Superior Court.  
18 The Court concludes that the removed crossclaim is not a separate action. Further,  
19 Defendant continues to litigate the underlying action in state court, recently filing a notice  
20 of appeal in state appellate court. Ex. 1 to Sullivan Decl. (docket no. 21). "[A] district  
21 court, when determining whether it has original jurisdiction over a civil action, should  
22 evaluate whether that action could have been brought originally in federal court." *Home*  
23 *Depot U.S.A., Inc. v. Jackson*, 139 S. Ct. 1743, 1748 (2019). The Court does not have  
original jurisdiction over the underlying action as Plaintiffs could not have filed their  
complaint in federal court. See 28 U.S.C. § 1332. Plaintiffs and Defendant Perry are  
citizens of Washington. Ex. 1 to Sullivan Decl. at ¶¶ 1.1–1.3 (docket no. 15-1). Without  
diversity of citizenship, the Court lacks jurisdiction over the underlying action.

(2) This matter is REMANDED to the Snohomish County Superior Court,  
effective fourteen (14) days from the date of this Minute Order. The Court declines to  
award any attorney fees or costs incurred as a result of the removal of this action.

Ravi Subramanian  
Clerk

s/Gail Glass  
Deputy Clerk